

REMARKS

Claims 1-10 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §102 Over WO 99/22684

Claim 1-10 are rejected under 35 U.S.C. § 102 as being anticipated over WO 99/22684.

The Applicants respectfully traverse the rejection.

The Office Action states that WO 99/22684 discloses absorbent articles that absorb body exudates, comprising a liquid pervious topsheet and a liquid impervious backsheet which is joined to the topsheet. The Office Action states that WO 99/22684 disclosed that the topsheet is disposed at the body surface and that the backsheet is disposed at the garment surface. The Office Action states that WO 99/22684 disclosed that the absorbent core is located between the topsheet and the backsheet. The Office Action contends that WO 99/22684 teaches that the topsheet of the absorbent article has a skin care composition disposed thereon. Thus, the Office Action contends that the reference anticipates the Applicants' invention.

With respect to the rejection under 35 U.S.C. §102 based on WO 99/22684, Applicants point out that Section § 2131 of the MPEP states: "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM" (emphasis in original).

Contrary to the Examiner's position, however, the WO 99/22684 does not anticipate the Applicants' present invention. WO 99/22684 does not teach or disclose each and every element of Claim 1. For example, WO 99/22684 does not teach has an absorbent article that comprises preferential acquisition zone and a skin care zone, the skin care zone is provided with the skin care composition of a greater basis weight than the preferential acquisition zone. In view of the above differences, WO 99/22684 does not teach every element of Claim 1 of the present application. Claims 2-10 depend from Claim 1 and are not anticipated for the same reason. Therefore, rejection under 35 U.S.C. §102 has been overcome, and withdrawal of this rejection is respectfully requested.

Rejection Under 35 USC §102 Over WO 99/12530

Claim 1-10 are rejected under 35 U.S.C. § 102 as being anticipated over WO 99/12530 reference.

The Applicants respectfully traverse the rejection.

The Office Action states that WO 99/12530 discloses absorbent articles that comprise a topsheet, a backsheet and an absorbent core therebetween, a skin care zone that is provided with a skin care composition which provides a protective barrier and a skin care benefit. The Office Action contends that WO 99/12530 teaches that the article comprises regions with greater or less amounts of composition (lower average basis weight zones). As well, the Office Action contends that WO 99/12530 teaches the article may comprise three regions and side panels, wherein each region may have skin care composition in adequate amounts. Thus, the Office Action contends that the reference anticipates the Applicants' invention.

With respect to the rejection under 35 U.S.C. §102 based on WO 99/12530, Applicants point out that Section § 2131 of the MPEP states: "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM" (emphasis in original).

Contrary to the Examiner's position, however, the WO 99/12530 does not anticipate the Applicants' present invention. WO 99/12530 does not teach or disclose each and every element of Claim 1. For example, WO 99/12530 does not teach has an absorbent article comprising a preferential acquisition zone and a skin care zone, the skin care zone is provided with the skin care composition of a greater basis weight than the preferential acquisition zone. In view of the above differences, WO 99/12530 does not teach every element of Claim 1 of the present application. Claims 2-10 depend from Claim 1 and are not anticipated for the same reason. Therefore, rejection under 35 U.S.C. §102 has been overcome, and withdrawal of this rejection is respectfully requested.

Rejection Under 35 USC §103(a) Over WO 99/22684

Claim 1-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 99/22684.

The Applicants respectfully traverse the rejection because the reference does not teach or suggest all of Applicants' claim limitations and thus, does not establish a *prima facie* case of obviousness.

The Office Action states that WO 99/22684 discloses absorbent articles that absorb body exudates, comprising a liquid pervious topsheet and a liquid impervious backsheet which is joined to the topsheet. The Office Action states that WO 99/22684 disclosed that the topsheet is disposed

at the body surface and that the backsheet is disposed at the garment surface. The Office Action states that WO 99/22684 disclosed that the absorbent core is located between the topsheet and the backsheet. The Office Action contends that WO 99/22684 teaches that the topsheet of the absorbent article has a skin care composition disposed thereon. The Office action states that reference does not teach the particular weight percentage of the preferential acquisition zone.

The Office Action states that WO 99/22684 teaches that the configuration and construction of the absorbent core may have varying acquisition zones, and that the size and the absorbent capacity of the absorbent core may be varied to accommodate different uses such as diapers and sanitary napkins to accommodate the wearer. The Office Action states that the expected result would be an absorbent article comprising a topsheet, a backsheet and absorbent core therebetween, an acquisition zone and skin care composition disposed thereon.

The Office Action states that it would have been within the skill of the ordinary practitioner at the time the invention was made to use the teachings of the WO 99/22684 reference, with the expectation of achieving an absorbent article comprising a skin care composition which is known in the art for absorbing body exudates as instantly claimed. The Office Action further states that it would have been obvious to claim an absorbent article, comprising a topsheet, a backsheet and an absorbent core located therebetween, including a skin care composition disposed on the topsheet of the absorbent article.

If one looks to the Applicants' invention and the reference as whole, it is submitted that WO 99/12530 fails to establish a *prima facia* case of obviousness, because the reference does not teach or suggest each and every element within Applicants' Claim 1. For example, WO 99/22684 does not teach an absorbent article comprising a preferential acquisition zone and a skin care zone, the skin care zone is provided with the skin care composition of a greater basis weight than the preferential acquisition zone.

The contention that WO 99/22684 teaches the application of differing basis weights of the skin care composition to various zones of the absorbent article is wholly unsubstantiated. At page 8, lines 26-30 WO 99/22684 discloses that the absorbent core's configuration and construction can be varied by using lower than average basis weights of material in the absorbent core. However, WO 99/12530 fails to teach or suggest the use of differing basis weights of the same skin care composition. Moreover, WO 99/22684 fails to teach or suggest the application of differing basis weights of the skin care composition to various zones of the absorbent article. Thus, WO 99/22684 fails to teach or suggest every element of the present invention and hence,

does not establish a *prima facie* case of obviousness. Therefore, WO 99/22684 does not render independent Claim 1 unpatentable under 35 U.S.C. § 103.

Rejection Under 35 USC §103(a) Over WO 99/1530

Claim 1-3, 5-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 99/12530.

The Applicants respectfully traverse the rejection because the reference does not teach or suggest all of Applicants' claim limitations and thus, does not establish a *prima facie* case of obviousness.

The Office Action states that WO 99/12530 discloses absorbent articles that absorb body exudates, comprising a liquid pervious topsheet and a liquid impervious backsheet which is joined to the topsheet. The Office Action states that WO 99/12530 disclosed that the topsheet is disposed at the body surface ad that the backsheet is disposed at the garment surface. The Office Action states that WO 99/12530 disclosed that the absorbent core is located between the topsheet and the backsheet. The Office Action contends that WO 99/12530 teaches that the topsheet of the absorbent article has a skin care composition disposed thereon. The Office action states that reference does not teach the particular weight percentage of the preferential acquisition zone.

The Office Action states that WO 99/12530 teaches that the size may be varied to accommodate the wearer. The Office Action states that the expected result would be an absorbent article comprising a topsheet, a backsheet and absorbent core therebetween, an acquisition zone and skin care zone which is provided with a skin care composition.

The Office Action states that it would have been within the skill of the ordinary practitioner at the time the invention was made to use the teachings of the WO 99/12530 reference, with the expectation of achieving an absorbent article comprising a skin care composition which is known in the art for providing therapeutic and protective benefit to the skin. The Office Action further states that it would have been obvious in view of the teachings of WO 99/12530.

If one looks to the Applicants' invention and the reference as whole, it is submitted that WO 99/12530 does not make a *prima facia* case of obviousness obvious because the reference does not teach or suggest each and every element within Applicants' Claim 1. For example, WO 99/12530 does not teach an absorbent article comprising a preferential acquisition zone and a skin care zone, the skin care zone is provided with the skin care composition of a greater basis weight than the preferential acquisition zone.

The contention that WO 99/12530 teaches the application of differing basis weights of the skin care composition to various zones of the absorbent article is wholly unsubstantiated. WO 99/12530 discloses a method for maintaining and/or improving skin health of a wearer in the area covered by an absorbent article. The method disclosed in WO 99/12530 comprises the steps of (a) applying to the wearer an absorbent article having a skin care composition that provides a therapeutic and/or protective skin benefit upon transfer to the skin; (b) transferring to the wearer at least a portion of the skin care composition during wear; and repeating steps (a) and (b) with one or more additional articles with sufficient frequency to maintain or improve the health of the skin in the area covered by the absorbent article. WO 99/12530 discloses that the absorbent core's configuration and construction can be varied by using lower than average basis weights of material in the absorbent core (See WO 99/12530 page 23, lines 1-5). However, WO 99/12530 fails to teach or suggest the use of differing basis weights of skin care compositions. Moreover, WO 99/12530 fails to teach or suggest the application of differing basis weights of the skin care composition to various zones of the absorbent article. Thus, WO 99/12530 fails to teach or suggest every element of the present invention and hence, does not establish a *prima facie* case of obviousness. Therefore, WO 99/12530 does not render independent Claim 1 unpatentable under 35 U.S.C. § 103.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 102 and 35 U.S.C. § 103. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-10.

Respectfully submitted,

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